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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC PHILLIPS, SURVIVING BIOLOGICAL
SON OF DECEDENT, RICHARD PHILLIPS,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

CASE NO. 1:23-cv-01753-BAM

**JOINT STIPULATION TO EXTEND NON-
EXPERT DISCOVERY CUT-OFF ~~PROPOSED~~
ORDER**

TO THE HONORABLE COURT:

Plaintiff Eric Phillips, and Defendant United States (collectively, “the Parties”), by and through their respective counsel of record, hereby agree to the following Stipulation to extend the non-expert discovery cut-off. Good cause exists for such a short extension of the non-expert discovery cut-off as discussed below.

WHEREAS, the non-expert discovery in this case is ordered to be completed no later than April 18, 2025 (Dkt 21).;

WHEREAS the Parties exchanged expert reports on January 15, and 16, 2025, with the intent that the Parties could use this informal exchange to meet and confer regarding a possible resolution of the case rather than United States filing a dispositive motion. In the meantime, the Parties agreed to save time costs and not conduct fact witness depositions until after the informal exchange of expert

1 reports. However, after exchange of the expert reports were unsuccessful at resolving the case, counsel
2 for the Parties agreed that it would be beneficial to conduct fact witness depositions followed by expert
3 depositions before renewing their efforts at resolution. Counsel for the Parties agreed that the
4 depositions of fact witness, including but not limited to Eric Phillips and Dr. Agarwal would be
5 beneficial to continue the negotiations.

6 WHEREAS counsel for the Parties are meeting and conferring about deposition dates for fact
7 witnesses, and have tentatively agreed to conduct the depositions on March 20 and 21, 2025 or as soon
8 thereafter as possible. Nevertheless, it is likely there will be additional fact witness deposition that may
9 occur later in April, 2025, and beyond the current deadline of April 18, 2025.

10 WHEREAS the Parties agree that a brief extension of the non-expert discovery cut-off to June 2,
11 2025, would allow sufficient time to complete non-expert discovery before renewing their efforts at
12 resolution to avoid the United States filing its dispositive motion.

13 WHEREAS the Parties agree that this brief extension of the non-expert discovery cut-off will not
14 affect any other dates in the case.

15 According, the Parties hereby stipulate and agree to extend the non-expert discovery cut-off to
16 June 2, 2025, and respectfully request that the Court enter the [Proposed] Order pursuant to the
17 terms of this Stipulation.

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19 Dated: January 30 2025

MICHELE BECKWITH
Acting United States Attorney

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21 By: /s/ Alyson A. Berg
22 ALYSON A. BERG
Assistant United States Attorney

23 Attorneys for Defendant United
24 States of America
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Dated: January 30, 2025

/s/ Robert Bassett

ROBERT D. BASSETT
QUINLAN KERSHAW & FANUCCI LLP

Attorneys for Plaintiff, Eric Phillips

ORDER

Before the Court is the Parties' stipulation to extend the non-expert discovery cut-off deadline. Good cause exists to extend the non-expert discovery cut-off deadline while the parties conduct fact witness depositions. IT IS THEREFORE ORDERED that date for the non-expert discovery cut-off deadline is continued to **June 2, 2025**. No further extensions of time will be granted absent a demonstrated showing of good cause, which will be narrowly construed.

IT IS SO ORDERED.

Dated: February 4, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE